

## **APPLICABLE POLICIES**

### **RICHMOND POLICE DEPARTMENT POLICY 300 – USE OF FORCE**

#### **300.1 PURPOSE AND SCOPE**

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

##### **300.1.1 DEFINITIONS**

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, or detained.

#### **300.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

##### **300.2.1 DUTY TO INTERCEDE**

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

#### **300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the

scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

### **300.3.1 USE OF FORCE TO EFFECT AN ARREST**

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

### **300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.

- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

### **300.3.3 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### **300.3.4 CAROTID CONTROL HOLD**

Richmond officers shall not use the carotid control hold.

### **300.3.5 TRAINING ASSOCIATED WITH CONTROL DEVICES**

- (a) Only personnel trained and having shown proficiency in the use of any control device are authorized to carry the device. Proficiency training must be conducted and documented by a Department approved instructor;
- (b) Taser/ECD update training shall occur annually;
- (c) Baton, O.C., and Kinetic Energy Projectile control devices update training shall occur every two years at a minimum;
- (d) Personnel authorized to use and carry other control devices shall receive update training every two years or as needed;
- (e) All control devices training and proficiency documentation will be retained in an employee's training file;
- (f) Personnel failing to demonstrate proficiency with a device and who cannot demonstrate adequate knowledge of this policy will be provided remedial training. If, after two additional attempts, an employee still cannot demonstrate proficiency with a device or demonstrate adequate knowledge of this policy, an employee may be subject to discipline, up to and including termination.

### **300.3.6 BATON/ASP USAGE**

The baton/ASP is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the suspect.

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.  
Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
  - 1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
  - 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Richmond officers shall neither shoot at, nor from, moving vehicles.

### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of all uses of force including the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of an CED or control device.

- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

### **300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium ), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor responds to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) If suspicious circumstances are uncovered, or it is determined that the facts and circumstances are outside the norm, an Administrative Memorandum is required.
- (d) When necessary for any criminal investigation, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related

criminal charges.

2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (e) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
  - (f) Identify any witnesses not already included in related reports.
  - (g) Review and approve all related reports.
  - (h) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
  - (i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 WATCH COMMANDER RESPONSIBILITY**

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

### **RICHMOND POLICE DEPARTMENT POLICY 308 - CONTROL DEVICES AND TECHNIQUES**

#### **308.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

#### **308.2 POLICY**

In order to control subjects who are violent or who demonstrate the intent to be violent, the Richmond Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

#### **308.3 ISSUING, CARRYING AND USING CONTROL DEVICES**

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

#### **308.4 RESPONSIBILITIES**

##### **308.4.1 WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

##### **308.4.2 ARMORER RESPONSIBILITIES**

The Armorer shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Armorer or the designated instructor for a particular control device. The inspection shall be documented.

##### **308.4.3 USER RESPONSIBILITIES**

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Armorer for

disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

#### **308.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

#### **308.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### **308.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **308.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.



### **308.8.1 USE OF KINETIC ENERGY PROJECTILES BY SUPERVISORS**

A specially marked shotgun, designated for the use of 12 gauge projectiles, will normally be carried in each supervisor's unit.

Supervisors will inspect the shotgun at the beginning of each shift to ensure that it is in proper working order and loaded with approved projectiles only.

### **308.8.2 USE OF KINETIC ENERGY PROJECTILES BY SPECIAL RESPONSE TEAM (SRT)**

Personnel assigned to the Special Response Team (SRT), who have completed a departmental training course may carry and employ 12 gauge or 40 mm projectiles while on duty or performing SRT missions.

SRT personnel are required to complete mandated certification courses prior to deploying the Penn Arms PGL65 - 40 mm Launcher. The launcher delivers the following munitions:

- (a) The Spede-Heat Short Range: Designed to deliver one chemical or smoke canister from a gas gun down range 75 - 150 yards to the intended target zone.
- (b) The Skat-Shell: Widely used as a crowd management tool for the rapid and broad deployment of chemical agent by a single grenadier. The Skat-Shell contains separate sub-munitions (5) that function individually once the round is discharged. The scattering effect and the rapid burning of the sub-munitions provide a wide area of coverage, minimizing the potential of being thrown back.

### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **308.9.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### **308.9.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

### **308.9.3 SAFETY PROCEDURES**

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

### **308.10 TRAINING FOR CONTROL DEVICES**

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

### **308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## **RICHMOND POLICE DEPARTMENT POLICY 309 - CONDUCTED ENERGY DEVICE**

### **309.1 PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of CEDs.

### **309.2 POLICY**

The Conducted Energy Device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### **309.3 ISSUANCE AND CARRYING CEDS**

Only members who have successfully completed department-approved training may be issued and carry the CED.

TASERs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in the driver's compartment of their vehicle.

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the CED in a support-side holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CED.
- (c) Officers shall be responsible for ensuring that their issued CED is properly maintained

and in good working order.

- (d) Officers should not hold both a firearm and the CED at the same time.

#### **309.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

#### **309.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the device. Although the CED is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

##### **309.5.1 APPLICATION OF THE CED**

The CED may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

##### **309.5.2 ECD GUIDELINES**

ECDs shall only be used against persons who are actively resisting or exhibiting active aggression, or to prevent individuals from harming themselves or others.

- (a) An ECD shall not be used against a passive suspect.
- (b) No more than one officer shall activate an ECD against a person at a time.
- (c) When activating an ECD, an officer shall use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If a subsequent cycle is necessary, officers

shall restrict the duration of that cycle to the minimum activation necessary to place the subject in custody.

- (d) ECD deployment against a subject is limited to three successful contacts and cycles. If after the third successful contact and standard cycle the subject does not submit to verbal commands and/or arrest, an officer must use other force options based on the "Reasonableness Test".
- (e) Training protocols have emphasized that multiple activations and continuous cycling of an ECD appear to increase the risk of death or serious injury and should be avoided whenever possible.
- (f) A fleeing subject shall not be the sole justification for use of an ECD. Severity of offense and other circumstances must be considered before officers use an ECD on a fleeing subject.
- (g) ECDs shall not be used against obviously pregnant women, elderly persons, children, and visibly frail persons unless exigent circumstances exist that present a high level of danger to the officer or others.
- (h) ECDs shall not be used to facilitate the forced withdrawal of blood evidence from DUI violators.
- (i) ECDs shall not be used on children who appear to be under the age of 12 years.
- (j) ECDs shall not be used on handcuffed persons.
- (k) Caution shall be used in utilizing an ECD when a subject is in a location where a fall might cause substantial injury or death.
- (l) ECDs shall not be used against a suspect in physical control of a vehicle in motion, or a vehicle that might be placed in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters.
- (m) ECDs shall not be used in the presence of known combustible vapors and liquids, or other flammable substances, including, but not limited to, alcoholbased Oleoresin Capsicum (O.C.) spray carriers.
- (n) When a subject is armed with an ECD and attacks or threatens to attack a police officer, the officer may defend him or herself to avoid becoming incapacitated and risking the possibility that the subject could gain control of their firearm. When possible, officers shall attempt to move outside the device's range (approximately 21 feet) and seek cover, as well as request backup officers to mitigate the danger.
- (o) It shall be mandatory for all trained uniformed officers at the rank of Sergeant and below to carry an ECD while on street duty.

### **309.5.3 TARGETING CONSIDERATIONS**

Officers shall avoid firing probes at a subject's head, neck or genitalia. While manufacturers have generally recommended that reasonable efforts be made to target lower center mass and avoid intentionally targeting the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the CED to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.

### **309.5.4 ACTIONS FOLLOWING DEPLOYMENTS**

Officers shall notify a supervisor of all CED discharges. Confetti tags should be collected and

the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### **309.5.5 DANGEROUS ANIMALS**

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. Officers shall document all deployments involving an aggressive animal in a police report and through a Use of Force report form. The officer's supervisor shall author and route an administrative memorandum through the appropriate chain of command.

### **309.5.6 OFF-DUTY CONSIDERATIONS**

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

### **309.6 DOCUMENTATION**

Officers shall document all CED discharges in the related arrest/crime report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

#### **309.6.1 CED FORM**

Items that shall be included in the CED report form are:

- (a) The type and brand of CED and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data

downloads and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

### **309.6.2 REPORTS**

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### **309.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED.

### **309.8 TASER DOCUMENTATION, INVESTIGATION, AND EVALUATION**

A supervisor must respond to all incident scenes where a CED was activated. A supervisor will conduct an initial review of the CED activation and document such activation on the appropriate Use of Force Report. Every instance of CED use, including accidental discharges, will be accounted for in a Use of Force report.

- (a) Every instance where the CED is drawn and displayed, even when an electronic cycle is not actually deployed, will be documented in a Use of Force report. Every use ("drive stun" or standard probe discharge) shall be documented in a supervisory administrative investigation. The investigation shall include:
1. Location and interview of witness (including other officers);
  2. Photographs of subject and officer injuries;
  3. Photographs of cartridges/probes;
  4. Collection of CED cartridges, probes, confetti ID tags, (car video if applicable) by the Crime Scene Investigator and processed into evidence;
  5. Copies of the device data download. Departmental personnel should be aware that CED download data may be unreliable. Investigators should be able to articulate the difference between the actual duration of CED activation on a person and the total time of discharge registered on the CED device.
- (b) Supervisors will forward all cases to the Professional Standards Unit for additional investigation when any of the following factors are involved:
1. A subject experiences death or serious injury (Officer Involved Protocols will be initiated);
  2. A person experiences prolonged CED activation;
  3. The CED appears to have been used in a punitive or abusive manner;
  4. There appears to be a substantial deviation from training in how the CED was utilized;
  5. The person in an at-risk category has been subjected to CED activation (e.g., young children, persons who are elderly/frail, obviously pregnant women, and any other activation as determined by a supervisor). All CED activations will be tracked by the Professional Standards Unit. Information will be shared with the Department's Major Incident/Use of Force Committee.
- (c) The Professional Standards Unit will conduct regular audits of CED data downloads and reconcile use of force reports with recorded activations. The Professional Standards Unit will maintain statistical information in order to identify CED trends and deployment concerns. The following statistical information will be included when collecting information about CED use:
1. Date, time, location of incident;
  2. The use of the laser dot or display of the CED deterred the subject and gained compliance;
  3. Descriptive information about the suspect (including membership in any at-risk population group);
  4. All officers firing the CED and all officer witnesses;
  5. All other witnesses;
  6. The number of CED cycles, the duration of each cycle, the duration between cycles, and the duration that the subject was actually activated;
  7. Level of aggression the officer utilizing the CED encountered from the subject;
  8. Any weapons possessed by the subject;



9. The type of crime/incident the subject was involved in;
10. The type of clothing worn by the subject;
11. The distance range at which the CED was used;
12. The type of mode used (probe or drive stun);
13. The point of impact of the probes on the subject in probe mode;
14. The point of impact on the subject in drive stun mode;
15. Location of missed probe(s);
16. Terrain and weather conditions;
17. Lighting conditions;
18. The type of cartridge(s) used;
19. If the subject was believed to be under the influence of alcohol or drugs (specify if available);
20. Medical care provided to the subject; and
21. Any injuries incurred by officer(s) or subject.

### **309.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignment for a period of six months or more shall be recertified by a department-approved CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing support-side draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CED.

## **RICHMOND POLICE DEPARTMENT POLICY 310 - OFFICER-INVOLVED SHOOTING**

### **310.1 PURPOSE AND SCOPE**

The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents be investigated in a fair and impartial manner.

### **310.2 INVESTIGATION RESPONSIBILITY**

This department conforms to the Officer Involved Shooting/Fatal Incident Protocol for investigating officer-involved shootings.

### **310.3 TYPES OF INVESTIGATIONS**

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Bureau Commander
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

### **310.4 JURISDICTION**

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

#### **310.4.1 RICHMOND POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION**

The Richmond Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office.

#### **310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION**

The Richmond Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

#### **310.4.3 RICHMOND POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION**

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation

of the suspect(s) to another agency. The Richmond Police Department will conduct timely civil and/or administrative investigations.

#### **310.4.4 INVESTIGATION RESPONSIBILITY MATRIX**

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>RPD Officer in This Jurisdiction</b>	RPD Investigators	District Attorney's Office	RPD Civil Liability Team	RPD Professional Standards Unit
<b>Allied Agency's Officer in This Jurisdiction</b>	RPD Investigators	District Attorney's Office	Involved Officer's Department	Involved Officer's Department
<b>RPD Officer in Another Jurisdiction</b>	Agency where incident occurred	Decision made by agency where incident occurred	RPD Civil Liability Team	RPD Professional Standards Unit

#### **310.5 THE INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting.

##### **310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR**

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
  1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
  1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
  2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

### **310.5.2 WATCH COMMANDER DUTIES**

Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by the Division Commander.

### **310.5.3 NOTIFICATIONS**

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Policing Bureau Commander (Deputy Chief of Police)
- Technical and Support Services Bureau Commander (Deputy Chief of Police)
- Investigations Section Lieutenant
- District Attorney OIS/Fatal Incident Team
- Professional Standards Unit supervisor
- Chairperson of Use of Force Review Board
- Civil Liability Response Team
- Psychological/Peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Watch Commander.

#### **310.5.4 MEDIA RELATIONS**

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Policing Bureau Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Bureau Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **310.5.5 INVOLVED OFFICERS**

Once the involved officer(s) have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

Each involved officer shall be given 3 consecutive days paid administrative leave following an

officer-involved shooting. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave. If an officer needs additional days he/she shall be allowed that time off at the discretion of the Chief of Police.

### **310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

#### **310.6.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Section supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Bureau Commander.

#### **310.6.2 CRIMINAL INVESTIGATION**

It shall be the policy of this department to utilize the District Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to partner with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) Supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

#### **310.6.3 REPORTS BY INVOLVED OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals

(Government Code § 3304(a)).

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

#### **310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an officer-involved shooting or other major incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

#### **310.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal

investigative agency.

- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) (Government Code § 3303(g)).
  - 4. The officer shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
  - 5. The administrative interview shall be considered part of the officer's confidential personnel file.
  - 6. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.
  - 8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### **310.7.1 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.



## **310.8 AUDIO AND VIDEO RECORDINGS**

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or City Attorney's Office as appropriate.

## **RICHMOND POLICE DEPARTMENT POLICY 312 - FIREARMS AND QUALIFICATION**

### **312.1 PURPOSE AND SCOPE**

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

### **312.2 AUTHORIZED WEAPONS**

No firearms will be carried that have not been thoroughly inspected by the Armorer during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### **312.2.1 DUTY WEAPONS**

The authorized departmental issued handgun is the Glock Model 21SF, Glock Model 22, .40 or .45 caliber handgun. An officer may carry any other semi-automatic handgun as approved by the Primary Firearm Instructor (PFI) with the following conditions:

- (a) The handgun shall be of good quality and workmanship in the following calibers: .9mm, .40 S&W, or 45 A.C.P.
- (b) The following firearms are specifically authorized: Smith & Wesson, Glock, Sig-Sauer, Beretta, Heckler and Koch and 1911 pistols.
- (c) The purchase of the weapon, holster, magazine pouch and ammunition shall be the responsibility of the officer for non departmental issued firearms.
- (d) It will be the responsibility of the officer to submit the handgun to an authorized

Department Armorer for inspection prior to being carried on duty.

- (e) An authorized Department Firearms Instructor shall assure that the officer is proficient in handling and firing that weapon and that it will be carried in a safe manner. the handgun shall be subject to inspection whenever deemed necessary.
- (f) The officer will successfully qualify with the handgun prior to it being carried and thereafter at mandatory Department training. The Department's PFI will specify the range qualification dates.
- (g) A complete description of the weapons shall be contained on the qualification record prepared by the Department's PFI.
- (h) If any officer desires to own more than one (1) weapon utilized while off duty, he/she may do so as long as the officer meets all the requirements set forth in this policy for each weapon used.
- (i) Ammunition shall be commercially manufactured and/or a type approved by the Department.

### **312.2.2 AUTHORIZED SECONDARY FIREARM**

Officers desiring to carry a secondary firearm shall carry a semi-auto or revolver of .380, 9mm, .357, .38, .40, or .45 caliber subject to the following restrictions:

- (a) The Department will limit the "Firearm waiver letter" to seven per employee.
- (b) The firearm shall be in good working order.
- (c) Only one secondary firearm may be carried at a time.
- (d) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (e) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (f) The firearm shall be inspected and approved by the PFI prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (g) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the PFI shall approve the ammunition.
- (h) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Armorer.

### **312.2.3 AUTHORIZED OFF-DUTY FIREARM**

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be carried concealed at all times in an appropriate holster that prevents

accidental cocking, discharge, or loss of physical control.

- (d) It will be the responsibility of the officer to submit the firearm to the PFI for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Department Armorer.
- (e) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Primary Firearm Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The officer will successfully qualify with the firearm prior to it being carried and thereafter annually. The range qualification dates will be specified by the Primary Firearm Instructor.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Primary Firearm Instructor.
- (h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
- (i) Officers shall only carry department-authorized ammunition.
- (j) When armed, whether on- or off-duty, officers shall carry their badge and department identification.

#### **312.2.4 AMMUNITION**

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Armorer when needed in accordance with established policy.

The following ammunition is authorized for use: .40 caliber S&W w/factory 155, 165, or 180 grain JHP. .45 ACP, factory 230 grain JHP (standard velocity). 9mm, factory 124, 127, 115 JHP, or 115 grain JHP +P. .38 special, factory 158 grain lead semi-wadcutter hollowpoint

+P or 125 grain JHP +P, 223/5/56 x 45 - factory 55 grain or 62 grain FMJ, or 75 grain JHP.

#### **312.2.5 ALCOHOL AND DRUGS**

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the officer's senses or judgment.

#### **312.2.6 LASER SIGHTS/WEAPONS MOUNTED LIGHTS**

Laser sights and mounted flashlights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Armorer.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

- (c) Any approved firearm mounted lighting system shall only be installed in strict accordance with the manufacturer specifications.
- (d) Once approved lighting system has been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.
- (e) Laser sights and mounted flashlight systems are optional and their purchase, as well as the purchase of related equipment (batteries and holsters), are to be purchased at the expense of the officer.

Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target. The purpose of weapons mounted lights is to allow an officer to identify potential threats possibly requiring the application of deadly force. The officer shall not point a weapon equipped with lighting at an individual or other authorized target unless justified to do so.

### **312.3 SAFE HANDLING OF FIREARMS**

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

1. **ALL GUNS ARE ALWAYS LOADED.** There are no exceptions to this rule. Do not pretend that this is true. Be deadly serious about it. Treat all firearms with the respect due them. A firearm's utility comes from its loaded status, and, as such, this is the state in which most guns are found. Always assume that a firearm is loaded until you have determined otherwise.
2. **NEVER ALLOW THE MUZZLE TO COVER ANYTHING YOU ARE NOT WILLING TO DESTROY.** This statement is self-explanatory, and it includes training situations as well as tactical environments. Many persons have been shot with supposedly "un-loaded" guns. This includes parts of your body, such as your support hand.
3. **KEEP YOUR FINGER OFF THE TRIGGER UNTIL YOUR SIGHTS ARE ALIGNED ON TARGET AND YOU INTEND TO SHOOT.** You cannot line up any faster than you can position your finger. Firing an unaligned weapon can have disastrous results.
4. **BE SURE OF YOUR TARGET.** Positively identify your target, Be aware of what is behind it.

Employees shall also consider the following safety concerns:

#### **312.3.1 SAFETY CONSIDERATIONS**

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Primary Firearm Instructor. Officers shall not dry fire or practice quick draws except under supervision of the Primary Firearm Instructor.
- (c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.

- (e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor, and be certified in its use.
- (g) Any weapon authorized by the department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the department or Armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Armorer, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

### **312.3.2 STORAGE OF FIREARMS AT HOME**

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

### **312.4 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify annually with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. The Primary Firearm Instructor shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Sergeant. In addition to regular schedules, the Primary Firearm Instructor shall be responsible for providing all sworn personnel with regular practical training designed to simulate field situations.

#### **312.4.1 NON QUALIFICATION**

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer's assigned PFI or Supervisor shall submit a memorandum to his or her immediate supervisor or assigned Primary Firearm Instructor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained
- (c) If qualification is not achieved or successful remedial training is not completed

immediately after the initial failure to qualify, the officer will be ordered not to carry their firearm and will be placed on restrictive duty until re-qualification is achieved.

### **312.5 WARNING AND OTHER SHOTS**

Officers shall neither fire warning shots nor fire shots for the purpose of summoning aid.

### **312.6 DESTRUCTION OF ANIMALS**

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CED, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

#### **312.6.1 INJURED ANIMALS**

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

### **312.7 REPORT OF FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

### **312.8 PRIMARY FIREARM INSTRUCTOR DUTIES**

The range will be under the exclusive control of the Primary Firearm Instructor (PFI). All members attending will follow the directions of the PFI, who will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any officer to sign in and out with the PFI may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department.

The PFI or designee has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Armorer has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Armorer.

### **312.9 MAINTENANCE AND REPAIR**

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

#### **312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS**

The Armorer shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed

by the Armorer must be approved in advance by the Armorer and accomplished by a department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be sanctioned, inspected, and approved by the Armorer.

### **312.10 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their Department identification card which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Richmond Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Richmond Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **312.11 CARRYING FIREARMS OUT OF STATE**

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

- (a) The officer shall carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

## **RICHMOND POLICE DEPARTMENT POLICY 318 - CANINE PROGRAM**

### **318.1 PURPOSE AND SCOPE**

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

### **318.2 GUIDELINES FOR THE USE OF CANINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any



of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

#### **318.2.1 PREPARATION FOR UTILIZING A CANINE**

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

- (a) A canine will not be used to apprehend, search for, or subdue an individual who is known or reasonably should be known to be a juvenile offender unless a life-threatening situation exists or the canine officer has probable cause to believe the suspect is armed with a firearm;
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler, however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

#### **318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE**

A clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine.

#### **318.2.3 USE OF NARCOTIC-DETECTION CANINES**

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags and any other articles deemed necessary.

A narcotic-detection canine will not be used to search a person for narcotics.

#### **318.2.4 GUIDELINES FOR NON-APPREHENSION USE**

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a "down stay" position or otherwise secured as soon as it becomes reasonably practical.

#### **318.2.5 REPORTING CANINE USE, BITES AND INJURIES**

Whenever the police service dog is deployed, an administrative memorandum shall be completed by the handler and turned in to the Unit Coordinator before going off-duty.

Whenever the use of the canine results in a bite or any injury an administrative memorandum shall be completed and included with any related incident report.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody an officer should remain with the suspect until treatment has been rendered.

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. It shall be the responsibility of the Unit Coordinator to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

The Unit Coordinator will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement

agencies are exempt from impoundment and reporting requirements to the Animal Control Department (Food and Agriculture Code § 31609(b)).

#### **318.2.6 REPORTING CANINE INJURIES**

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and canine are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented in an administrative memorandum.

#### **318.2.7 ASSIGNMENT OF CANINES**

The canine teams shall be assigned to the Policing Bureau to supplement and assist the Patrol Bureau.

Canine teams should function primarily as cover units however; they may be assigned by the District Commander, Watch Commander, or Team Sergeant to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Watch Commander.

#### **318.3 REQUEST FOR USE OF CANINE TEAMS**

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Bureau shall go through the Unit Coordinator or the Watch Commander.

##### **318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Watch Commander or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Richmond unless authorized by the Watch Commander or the Unit Coordinator.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

##### **318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so

by the Watch Coordinator.

#### **318.4 SELECTION OF CANINE HANDLERS**

The following are the minimum qualifications for the assignment of canine handler:

- (a) Richmond Police Department officer currently off probation;
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates);
- (c) Have a garage which can be secured and accommodate a canine unit;
- (d) Live within 30 minutes travel time from the Richmond City limits;
- (e) Agree to be assigned to the position for a minimum of three years;
- (f) After three years the Canine Coordinator and Canine Manager will re-evaluate the performance of the canine team;
- (g) An officer may work in the capacity of canine handler for the serviceable life of the dog or a maximum of eight years.

#### **318.5 CANINE HANDLER RESPONSIBILITIES**

##### **318.5.1 AVAILABILITY**

The handler shall be available for call-out under conditions specified by the Unit Coordinator.

##### **318.5.2 CARE FOR THE CANINE AND EQUIPMENT**

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) Making sure the dog wears an identifying collar and tags at all times, including when off duty;
- (c) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a garage, secured from public view;
- (d) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Police Department facility;
- (e) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy;
- (f) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible;
- (g) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers;

- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler;
- (i) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Watch Commander;
- (j) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Commander;
- (k) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

### **318.5.3 CANINE IN PUBLIC AREAS**

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

### **318.5.4 HANDLER COMPENSATION**

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding.

### **318.6 MEDICAL CARE OF THE CANINE**

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

#### **318.6.1 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Watch Commander as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file.

#### **318.6.2 EMERGENCY MEDICAL CARE**

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the injury or illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

### **318.7 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association.

### **318.7.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to current POST standards and the California Narcotic Canine Association or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Richmond Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

### **318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING**

Any dog team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association or other recognized and approved certification standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

### **318.7.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's training file.

### **318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES**

The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Policing Bureau Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

- (a) Review all Administrative Memorandums (regarding use of canine) to insure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.
- (e) Maintain accurate records to document canine activities.
- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

### **318.9 CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Health & Safety Code § 11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency
- (b) Provided the controlled substances are no longer needed as criminal evidence
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training

#### **318.9.1 PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Richmond Police Department's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler
- (b) The weight and test results shall be recorded and maintained by this department;
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency
- (e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure
- (f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action;
- (g) Any unusable controlled substance training samples shall be returned to the Evidence, Property, and Supplies Section or to the dispensing agency

#### **318.9.2 IMMUNITY**

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

### **318.10 EXPLOSIVE TRAINING AIDS**

Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 18800). Explosive training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
- (c) The Canine Coordinator shall be responsible to verify the explosives training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the Canine Unit shall have access to the explosives training aid storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosives training aid shall be promptly reported to the Unit Supervisor in writing who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

## **RICHMOND POLICE DEPARTMENT POLICY 1046 - UNIFORM REGULATIONS**

### **1046.1 PURPOSE AND SCOPE**

The uniform policy of the Richmond Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property Section

1024 - Body Armor

Section 1044 - Personal Appearance Standards



The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

## **1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT**

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
  - 1. Wrist watch
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
  - 3. Medical alert bracelet

### **1046.2.1 DEPARTMENT ISSUED IDENTIFICATION**

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commander.

### **1046.3 UNIFORM CLASSES**

#### **1046.3.1 CLASS A (DRESS) UNIFORM**

The Dress shall be the same as the duty uniform with the exception of the uniform dress jacket and shirt. A uniform tie shall always be worn with the dress uniform. It is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Dress uniform is required for all sworn personnel.

##### **(a) Uniform Dress Jacket:**

1. **Material** - Navy blue Metcalf 386-18, 18 oz. serge. Garments will be marked with a guarantee label, Metcalf Bros. Cos., 368-18, 18 oz.
2. **Style** - To be semi dress jacket made with coat sleeves. Front to be fastened with a Talon#5 zipper, from the bottom of the jacket vertically to the base of the lapels; to have a one piece back (or two piece with center seams extending from the bottom of the collar to the bottom of the jacket) with 1" outlets; to have golf pleats including 3/4" elastic band to hold the pleats in place on each side seam extending from the shoulder seam to the bottom of the jacket, and to be stitched closed from the first 3" below the shoulder seam; to have belt stitched down at the approximate natural waistline. Jacket to be fitted so as to be worn loosely and straight down. In all cases to fall to the top of the hip pockets, bottom to be made with a 4" turn up and not to include a separate waistband. To have an adjustable side tab at the natural waistline to be 4 1/2" in length and 1 1/2" at the seam and widening to 2 1/2" at the end of the tab, with a button hole accommodating one 24 ligne "P" button. One 24 ligne "P" button sewn 1 1/2" from the top of the adjustable tab (for wearer's fitting convenience).
3. **Lapels** - To be plain peaked with 15" opening and being 3/4" wide at the widest point.
4. **Sleeves** - To be plain with regular turn-up with 3 buttons (keyed) evenly spaced, the first button to be gilt P 24 ligne.
5. **Facing** - To be the same material as the jacket, cut in one piece not less than 4" wide at the top and 3 1/2" wide at the bottom.
6. **Collar** - Width to be 1 3/4" at the center and back to be hand felled.
7. **Pockets** - To have two outside breast pockets properly stayed and with box pleats 6 1/2" deep and 6" wide at the top and bottom. Bottoms to be slightly rounded. Each breast pocket to have a three pointed flap finished 6" wide and 2 1/2" deep on the sides and center, 2 1/8" deep in the hollows. Each flap to have a button hole and a correspondingly placed removable 24 ligne "P" button to have two inside pockets, horizontal type, one on each side, minimum 6" wide and 6 1/2" deep.
8. **Shoulder Strap** - Jacket to be furnished with tapered shoulder straps, 2 1/4" wide at the collar and long enough to extend and to be tacked down under the collar. To have a button hole running perpendicular to the collar centered in the open end of the flap and correspondingly placed 24 ligne "P" buttons so placed that the button comes flush up to the edge of the collar. Strap to be stayed across 2" above shoulder straps and cross stitched.

9. **Stitching** - Seams to be double stitched with all silk, color fast thread.
  10. **Arm Shields** - To be piped and made of the same material as the jacket.
  11. **Badge Holder** - To be tunnel type badge holder. Finished 1" wide and 1 3/4" long, made of two thicknesses of the same jacket material. Single stitched around all edges; to be equipped with two metal eyelets, placed 1" center to center. The entire holder to be attached to the jacket with the center of the top eyelet 2 3/4" above center of the left breast pocket flap.
  12. **Construction** - Jacket shall be tailored with good quality of matching lining, using Hymo type coat fronts, employing good standard tailoring practices used in coat construction.
- (b) **Uniform Dress Shirt** - The uniform dress shirt shall be the authorized long sleeve duty shirt.
  - (c) **Dress Equipment shall consist of the authorized** - badge, nameplate, gun belt, four keeper straps, the duty sidearm.
  - (d) **Dress Holster** - The dress holster shall be the same as the uniform holster as issued by the Department.

#### 1046.3.2 CLASS B (DUTY) UNIFORM

The Duty uniform for sworn personnel shall consist of the following:

- (a) **Uniform Jacket** - The wearing of a jacket for general duty purposes shall be optional except when specifically directed otherwise. It shall be black and have gold police buttons, zipper front, mouton type collar and two front button-down pockets; and be made of either 100% Nylon (Tuffy Jac) with elastic type bottom or Tactel fabric (New Generation) with outer side zippers and removable interior liner and collar.
- (b) **G-1 Police Jacket** - The G-1 police jacket, manufactured by San Diego Leather, is approved for wear by uniformed personnel as an optional outer garment. The G-1 is used extensively in the Police Departments across the nation for patrol car and mild weather motorcycle use. It is made with top quality materials - leather, stitching, lining and hardware. The G-1 is most popular with the plain leather collar in cowhide, but is also available with permanent real sheep fur collar with black fur. The jacket has been approved in either Black cowhide or Black goatskin. Some of the features of the G-1 police jacket are:
  1. Inside Front Wind Flap Two Patch Pockets with Buttons
  2. Snaps Small Ink Pen Insert on Right Patch Pocket
  3. Optional Velcro on Pocket Flaps Side Entry Pockets built behind Patch Pockets
  4. Fur Collar or Plain Leather Collar
  5. Optional Universal Badge Holder
  6. Optional Name Plate Holder
  7. Biswing Back Underarm Gussets
  8. Heavy weight Knit Cuffs and Waistband
  9. Heavy weight Brass Front
  10. Zipper Nylon Lining, Nylon Stitching (guaranteed for ten years)

11. Inside Gun Pocket
12. Inside Breast Pocket

(c) **Uniform Trousers -**

1. **Material** - Navy blue Metcalf 386-19, 18 oz. serge.
2. **Style** - Plain front without pleats, 2" waistband cut in separate pieces, backed with full shrunk canvas and lined with snugtex waistband and with two (2) 24 ligne buttons and French fly. Trousers shall be cut and tailored so the button waistband rests on the hip bones.
3. **Belt Loops** - Seven (7) tunnel-loops approximately 1" wide. Six to be sewn in the waistband, and one to be sewn in the center of the back seam keeping the belt from riding over the waistband, and of a size large enough to accommodate a 1 1/2" belt.
4. **Side Seams** - To be plain and pressed open inside, the side seam shall have 1/2" black mohair braid for all ranks, extending from the bottom of the waistband, over the front pockets and down to the finished length of the trousers.
5. **Pockets** - Two side, two hip, one watch, and two club pockets. No flaps or tabs on any of the pockets. Stitched diamond, 1/2" long, reinforced on the corners of the hip and club pockets only. The club pockets, one on each side, to be 3" below each hip pocket. The hip pockets to be made through hollandsta or equal and caught under waistband to prevent sagging. Facing or bearer on side pockets to be the same material as in trousers and to be at least 2" deep. Pockets of #250 canvas, all pockets to be turned and sewn at bottom run with extra reinforcement.
6. **General Tailoring** - Made with plain bottoms, no cuffs, 2 1/2" outlet hem to allow for alteration, to hang with no break in the front or back. Bottom of side seam to be no higher than 4" from floor level. Trouser bottom based on a 34" waist to be not less than 17" or more than 19" graduated up and down according to size or wearer. Seat to be tailored snug as stretch will occur, no suspender buttons, no leather trim or piping on pockets.

(d) **Uniform Duty Shirt -**

1. The uniform duty shirt shall be a Flying Cross brand, navy blue in color long sleeve (Lot #48W6686) or short sleeve (Lot #98R6886), and both styles 65% Dacron and 35% avril. The out sleeve of the short sleeve uniform shirt shall be approximately 10" and the in sleeve 6 3/4" to 7". Under no circumstance shall any appreciable alteration of the sleeve length beyond approximately 1/4" be allowed in the alteration of the short sleeve uniform shirt, and undergarment sleeves are not to be visible or protrude beyond the length of the shirt sleeve. The shirt shall have shoulder straps, conventional sport collar with permanent stays, two scallop flaps, plain pockets with Velcro closures, pencil compartment, full badge sling, seven baked in creases, front, back and sleeves. Full length tails and form fitted.
2. The all wool uniform shirt shall be the Los Angeles Police Department style, 10 1/2 oz. tropical Raeford material #8321-30 dark navy color, long or short sleeve, and having identical characteristics and as noted above.
3. Uniformed personnel shall have the option of wearing either the authorized long sleeve or short sleeve duty shirt except when specifically directed otherwise. Personnel attired in the short sleeve shirt may, at their individual option, wear the

uniform duty jacket or rain coat when necessary. Only a black or a white undergarment can be visible when the uniform shirt is worn without a uniform necktie. Turtlenecks, mock or full and turtleneck dickeys are also approved for wear in black only, underneath the uniform shirt.

**(e) Uniform Tie -**

1. The uniform tie shall be wool or 45% rayon and 55% Dacron polyester blend, black and measuring at its widest point no less than 2 1/2" nor more than 3 1/2" (hook or snap neckband style).
2. The uniform tie may be worn with both the uniform long sleeve duty shirt and the uniform dress shirt. The uniform tie may only be worn with the short sleeve uniform shirt when a uniform jacket is worn.

**(f) Footwear and Socks -**

1. The sock shall be black or navy blue.
2. Uniform shoes: Authorized styles and specifications are: Wellington style, 1 - 1 1/2" heel, plain toe, black leather, concealed zipper on inside ankle area is permissible; Chuka style, lace type, plain toe, cushion sole, black leather; Oxford style, plain toe, lace type, smooth black leather having no grain; U.S. Military Recruit style, black leather, plain toe, composition or leather sole, lace-up 10" uppers.
3. Footwear will be maintained in a highly polished and glossy condition. There will be no western style high heel boots, pointed or box toe, metal or other ornamentation on uniform footwear.

**(g) Uniform Hat -**

1. The uniform hat shall be an eight (8) point, navy blue, Metcalf 386-16, serge soft cap. It shall have an emblem and chin strap as specified in Rank Specifications.
2. Wearing of the uniform hat shall be optional and shall be carried by Officers and Police Assistants while in a vehicle.

**(h) Cold Weather "Trooper Cap" (Optional) -** From 15 October through 15 March, uniformed personnel may wear the Trooper Cap. The Watch Commander may authorize wearing of the cap during other periods when appropriate weather conditions exist.

1. The Trooper Cap Shall be black nylon shell with black "Dynel" fur ear and neck flap as manufactured by Horace Small Mfg.
2. When worn, sworn personnel shall affix the uniform cap shield to the brim of the cap. Non-sworn personnel shall wear the cap without a cap shield.
3. Personnel should be aware that wearing the cap with the neck and ear flap down impairs hearing and for this reason shall avoid wearing the cap in this condition during times when a hearing loss could jeopardize personal safety or the safety of other personnel.

**(i) Utility Cap -**

1. Sworn Personnel and uniformed professional staff shall have the option of wearing a utility cap in lieu of the eight (8) point cap or cold weather cap for routine patrol duties.
2. The utility cap shall be the New Era Pro Model in navy blue for conventional

uniform and black for utility wear. This is the **only** utility cap that is authorized for on-duty wear.

3. The front of the cap shall be embroidered with "RICHMOND POLICE" in bold letters. Richmond shall be in arc and police in a straight line to the cap bill. The embroidered letters will be in silver for sergeants/officers and gold for command staff.
4. Lieutenants and Sergeants have the option of placing their rank insignia on the front of the cap in either standard or subdued style. the utility cap shall have no other pins or markings attached to it.

(j) **Military Micro Fleece Cap** - Sworn personnel and uniformed professional staff also have the option of wearing the microfiber cap designed by Polartec to be a replacement to the World War II era black wool watch cap. It features tight-knit microfiber construction that provides lightweight warmth and breath ability; it is also quick-drying and non-irritating.

1. The cap shall be the Polartec Classic Micro model, in black. This is the **only** watch-style cap that is authorized for on-duty wear.
2. The front of the cap shall be embroidered with "RICHMOND POLICE" in bold letters. Richmond shall be in arc and police in a straight line above the bottom edge, identical to what is displayed on the Utility Cap. The embroidered letters will be in silver for sergeants/officers and gold for command staff.
3. Lieutenants and Sergeants have the option of placing their rank insignia on the front of the cap in either standard or subdued style. The utility cap shall have no other pins or markings attached to it.

#### **1046.3.3 NON-UNIFORM ATTIRE**

- (a) Sworn personnel on duty and assigned to a non-uniformed assignment shall wear civilian attire basically consisting of suit with shirt and tie or a sport coat with shirt and tie. Nectie wear can be optional with the approval of a command officer, based on the duties and tasks to be performed by the requester.
- (b) Officers shall not wear shoulder holsters in such a manner as to normally be exposed to the public view. This shall include the working areas of the Hall of Justice.
- (c) Non-uniformed personnel shall carry the following equipment: Badge and identification card; authorized sidearm, ammunition, and handcuffs.
- (d) Officers working in plain clothes will be prompt to identify themselves when necessity arises. Uniform officers shall not recognize an undercover officer in civilian attire unless first addressed.
- (e) Officers assigned to a special investigations assignment such as Narcotics, Gangs, Parole, etc., shall not be required to conform with uniform, equipment, and appearance regulations when these regulations interfere with the work required by their assignment.

#### **1046.3.4 UTILITY UNIFORM**

Police officers on duty as Evidence Technicians; Canine Officers; Traffic Officers while engaged in commercial vehicle enforcement efforts; patrol officers assigned to a graveyard shift; or other police employees assigned to Vehicle Abatement or other authorized specialized field duties have the option of wearing the utility uniform as the duty uniform. Patrol officers assigned to shifts other than graveyard may substitute the Class B (Duty) uniform for the utility uniform when the

respective work shift is during stormy weather conditions.

- (a) **Approved Utility Uniform is black** - It shall meet the specification of the "Tactical BDU Uniform" manufactured by Transcon Manufacturing, Uniform Set (model TU-701): Transcon Tactical Sateen; fabric: 65-35 poly/cotton SATEEN twill; weight: 8.0 oz./sq.yd./13.75 oz./linear yd.
  - 1. The shirt shall have two large bellow chest pockets with hood-and-loop flaps, secured by hidden velcro strips, inside pocket for pen and penlight in left pocket; heavy duty concealed brass Nomex zipper with overflap; one-snap closure above and below zipper on front closure; 2-position shap closure at wrists for exact fit. The shirt shall have a hidden front-zip closure and a cloth badge sling affixed above the left pocket, or an approved cloth badge permanently affixed.
  - 2. The trousers shall have a total of six roomy pockets; two quarter hip pockets, two welted back pockets with hook-and-loop flaps, and two large side cargo carrier pockets with flap closures. The rear pockets and cargo pockets shall have flaps which are secured by velcro. The trousers shall have 2 hook and loop waist adjusters and seven standard belt loops.
- (b) Uniform personnel shall have the option of altering the utility uniform to short sleeves in the same fashion as the short sleeve uniform duty shirt. The out-sleeve of the short sleeve utility uniform shirt shall be approximately 10" and the in-sleeve 6 3/4" to 7". The altered end shall be tucked inside the sleeve approximately 3/4" and stitched to show a finished look. Uniform personnel shall have the option, year round, of wearing either the short or long sleeve utility uniform shirt.
- (c) The utility uniform shall have all markings required on the uniform duty shirt such as patches, secured badge holder, cloth name plate and optional service stars. These items shall be located on the utility uniform shirt. Equipment with the utility uniform shall be the same as required with the standard duty uniform such as uniform duty belt and safety vest. The utility uniform shall be clean, pressed and not noticeably wrinkled.
- (d) **Utility Cap** - The Utility Cap is considered optional headgear and shall **only** be worn on duty with the utility uniform. The approved cap shall be a black wool baseball cap with the word "POLICE" in white one inch tall letters, similar to the cloth name tag, across the front (gold letters are approved for officers the rank of lieutenant and above).

#### 1046.3.5 MOTORCYCLE OFFICER UNIFORM

Traffic Officers shall wear the following uniform when assigned to motorcycle duty:

- (a) **As furnished by the Department** - Uniform motorcycle boots, vest, helmet, and uniform motorcycle trousers.
- (b) Uniform duty shirt as prescribed for uniformed field personnel.
- (c) Black bow tie or black dickey when a tie is prescribed for uniformed field personnel.
- (d) Protective eyewear: clear or tinted as approved by the Department. The Department shall furnish glasses approved by the California Highway Patrol for such use or reimburse an equal amount unless they are prescription glasses.
- (e) Black leather police motorcycle jacket as furnished by the Department (Golden Bear of San Francisco manufactured "Policemen's Leather Jacket" style #110-P). It is expected that priority will be given to wearing the leather jacket; however, during warmer times of the day the uniform duty jacket (nylon) may be worn, or no jacket at all at the option of

the individual officer.

1. When the leather jacket is worn, the officer is permitted to wear undergarments of his choosing without a duty shirt, provided a dickey and vest are worn.
  2. When the officer is dressed as described in the preceding section he/she may remove the jacket while in the Hall of Justice and not dealing with the public.
- (f) Motorcycle Officers shall wear or carry such other equipment as is prescribed for uniformed field personnel.
- (g) Motorcycle Officers shall wear the uniform prescribed for uniformed field personnel, at times when not operating the motorcycle such as inclement weather, mechanical breakdown, etc.; except when the change occurs during the shift.
- (h) **Approved Traffic and Motorcycle Officer Uniform Insignia -**
1. Flying wheel patch, gold and white symbol against a black background worn on the uniform shirt directly below each shoulder patch (or chevrons for sergeant) and centered.
  2. Flying wheel pin, silver, with the word "CALIFORNIA" in silver letters against a black arc ribbon background above the wheel, and the word "RICHMOND" in black letters against a silver arc ribbon background below the wheel. The pin is to be worn centered directly above the nameplate on the uniform shirt.

#### **1046.3.6 BICYCLE OFFICER UNIFORM**

Bicycle Officers shall wear the following uniform clothing and personal protective equipment when engaged in public safety cycling duty:

- (a) Black, properly fitted bicycle safety helmet.
- (b) Protective eyewear: clear or tinted as approved by the Department. The Department shall furnish glasses for such use or reimburse an equal amount unless they are prescription glasses.
- (c) United Uniforms or comparable manufacture's Coolmax shortsleeve Class "A" polo shirt, black, that feature: 12.5 Oz. 70/30 Coolmax/Poly pique knit; sport collar with fused tricot interliner; pleated pockets with mitred corners; scalloped flaps with hook and loop closure; pen opening on the left pocket; one inch mic. tab on bottom of placket; reinforced placket front with melamine buttons; topstitched and cross stitched epaulets; self sleeve cuff; permanent sewn in creases, two in the front and three in back; full badge sling or an approved cloth badge permanently affixed; two inch side vents; fitted pattern with extra long tail; with the word "POLICE" affixed to the back, horizontally displayed in white 4" letters.
- (d) United Uniforms or comparable manufacture's black nylon bike patrol pants that feature: 5.5 oz. 100% nylon plain weave; 2 1/4" elasticized waistband with draw cord; four 1" nylon keepers with hook and loop; two side seam zippered pockets; two single welt zippered pockets; two side cargo pockets with flaps; two pen pockets on each cargo pocket; 7" zippered fly; straight barracks; vented knee with stretch panel; 10" zippered leg gussetes; elasticized cuffs; and double needled seat.
- (e) Black nylon Sam Browne duty belt constructed of ballistic weave fabric, matching duty belt accessories; and an appropriate tactical thigh holster that provides Level III protection in a leg platform.



- (f) A sturdy, crossover bicycle shoe that provides firm cycling support and walk ability, black, and of durable construction.

### **1046.3.7 SWAT UNIFORM SPECIFICATIONS**

The uniforms worn by the SWAT Team are to make them easily identifiable as law enforcement officers. SWAT Team members will be issued a minimum of two identical tactical uniforms and one outer jacket. The color and type of uniforms and jacket will be determined by the SWAT Commander after consultation with the SRT Commander. One of the uniforms will be a training uniform, and the second uniform will be reserved for call-out operations.

- (a) Baseball Cap: The team will wear identical caps while on duty in a SWAT capacity. The color will be commensurate with the SWAT uniform. The front of the cap will display the SWAT Team logo or star. Caps are to be worn in the "forward" position and are to be in good condition.
- (b) Battle Dress Uniform "BDU" (Long sleeve shirt)
  - 1. BDU long-sleeve shirts are to be military "rip-stop" specification and manufactured by Proper Uniforms.
  - 2. One "RPD SWAT" shoulder patch, will be attached to each shirt sleeve.
  - 3. One "S.W.A.T." tape or "Badge-Patch", as directed will be attached above the left breast pocket of each shirt.
  - 4. Uniform shirts are to have subdued patches attached.
  - 5. An American Flag will be affixed on the right sleeve.
  - 6. Uniform shirts will display the member's department rank.
  - 7. All uniform shirts will bare the Team Member's first initial and last name above the right breast pocket.
  - 8. Shirts must be free of wrinkles and have a pressed look to them. It is not necessary for the "BDU" shirt to be "Military Pressed".
- (c) Battle Dress Uniform (Long Pants)
  - 1. "BDU" long pants are to be military "rip-stop" specifications and manufactured by Proper Uniforms.
  - 2. The pants must be free of wrinkles and have a pressed look to them
- (d) Team T-Shirts
  - 1. Team T-shirts are to be worn under the "BDU" shirt.
  - 2. Team T-shirts are also to be worn as a uniform shirt during physical fitness training.
  - 3. Team T-shirts can be either long sleeve or short sleeve.
  - 4. Team T-shirts are to be identical in design and color while in a SWAT capacity
- (e) Pants Belt
  - 1. Only cotton "military" belts or nylon webbing belts will be acceptable.
  - 2. All belts and buckles must be black in color or commensurate with the uniform.
  - 3. Leather belts are not acceptable

(f) **Tactical Duty/Gun Belt**

1. The tactical duty/gun belt must be construed of nylon webbing.
2. All equipment attached to the duty/gun belt must be black in color or commensurate with the uniform.
3. Equipment pouches or holsters that have been dyed must be completely dyed and commensurate with the uniform. If fading occurs, the item must be re-dyed

(g) **Boots**

1. Boots must be above the ankle with all team members' boots matching in color. Boots are to be clean and in good condition.

(h) **Outer Jackets**

1. Jackets will be identical and approved by the SWAT Commander.

**1046.4 INSIGNIA AND PATCHES**

- (a) **Service Hash Marks** - Officers shall wear hash marks to represent their longevity. A 2 1/4" by 1/2" hash mark of blue silk bordered by gold silk embroidery shall represent five (5) years of completed service as a police officer with a California Peace Officer Standards and Training (P.O.S.T.) accredited law enforcement agency. The hash markings are the same as the regulation hash markings authorized by the California Highway Patrol. Hash marks shall be worn on the left sleeve of the duty shirt, jacket or dress jacket
- (b) **Department Shoulder Patch** - The Department Shoulder Patch shall be worn on all regulation shirts and jackets. It shall be worn on both shoulders, placed approximately 1/2" below the shoulder seam. The post WWII shoulder patch is the authorized patch for wear on uniform garments. The only exception is for uniformed members of the SWAT Team while engaged in official SWAT duties or while on SWAT training activities.
- (c) **Assignment Insignias** - Assignment insignias, (SWAT, PTO, etc.) may be worn as designated by the Chief of Police.
- (d) **Flag Pin** - A flag pin may be worn, centered above the nameplate.
- (e) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (f) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

**1046.4.1 RANK SPECIFICATIONS**

Wearing of rank specifications of lace braid shall be worn only on the uniform dress jacket. Emblem type rank specifications shall be worn on uniform jackets (dress and duty), and all uniform shirts. Uniforms of all officers shall reflect their respective rank as specified in the following:

(a) **Emblems** -

1. **Chief of Police** - The emblem rank shall be four fire gilt metal stars, 1" wide between points and shall be placed on each shoulder strap of the outermost garment. The collar emblem shall be four fire gilt metal stars.
2. **Deputy Chief** - The emblem rank shall be two fire gilt metal stars, 1" wide between

points and shall be placed on each shoulder strap of the outermost garment. The collar emblem shall be one fire gilt metal star.

3. **Captain** - The emblem rank shall be a pair of polished gold bars, to be worn on the shoulder of the uniform jacket and shall be 1" by 3/8". The emblem worn on the collar of the uniform shirt shall be 3/4" by 1/4".
  4. **Lieutenant** - The emblem rank shall be one polished gold bar to be worn on the shoulder of the uniform jacket and shall be 1" by 3/8". The emblem worn on the collar of the uniform shirt shall be 3/4" by 1/4".
  5. **Sergeant** - The emblem rank shall be Chevrons and shall be the same as the regulation California Highway Patrol Sergeant's Chevrons. They shall be worn on both sleeves of all uniform jackets and uniform shirts.
- (b) **Braid** - All ranks shall be sewn in the same manner as specified for the Chief of Police.
1. **Chief of Police, Deputy Chief and Captain** - The uniform dress jacket shall have 3/4" gold wire braid to be sewn on both sleeves 3" from the bottom of the sleeve extending halfway around the sleeves from seam to seam and set into seams at both sides.
  2. **Lieutenant** - The uniform dress jacket shall have a 1/2" gold wire braid.
  3. **Sergeant** - The uniform dress jacket shall have a 1/2" silver wire braid.
  4. **Police Officer (Master Police Officer)** - The uniform dress jacket shall have a 1/2" mohair braid
- (c) **Uniform Hat Shield** - The uniform hat shall have an emblem cap shield furnished by the City of Richmond in one of the following styles:
1. **Chief of Police** - Gold with "Chief"
  2. **Deputy Chief** - Gold with "Deputy Chief"
  3. **Captain** - Gold with "Captain"
  4. **Lieutenant** - Gold with "Lieutenant"
  5. **Sergeant** - Silver with "Sergeant"
  6. **Police Officer** - Silver and numbered to correspond with the badge number. (Master Police Officer - gold and numbered to correspond with the badge number.)
- (d) **Chin band** - The chin band shall be:
1. **Chief of Police, Deputy Chief, Captain, and Lieutenant** - Gold gilt wire braid with gold buttons.
  2. **Sergeant** - Silver wire braid with silver buttons.
  3. **Police Officer (Master Police Officer)** - Black patent leather with gold buttons.

#### 1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone
  - 2. Open toed sandals or thongs
  - 3. Swimsuit, tube tops, or halter-tops
  - 4. Spandex type pants or see-through clothing
  - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Richmond Police Department or the morale of the employees.

#### **1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Richmond Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Richmond Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

#### **1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

#### **1046.7.1 RETIREE BADGES**

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Richmond Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words Honorably Retired clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Richmond Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Richmond Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Richmond Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.